REMARKS

35 U.S.C. § 112. Claim Rejections.

7. The Office Action states that "Claims 25, 38, 54 and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention."

The Office Action also stated that "Claims 25, 38, 54 and 9 contain the trademark/trade name "ratings services comprise any of Zagats and AAA". ...

Also, claims 25, 38, 54, and 9 cite "that may supplement the search query". Wherein the recitation "that may" makes the scope of the claim uncertain."

Hilton Davis / Festo Statement

For sake of convenience and expediency in prosecution, Applicant has amended Claims 9, 25, 38, and 54, as discussed below, to particularly point out and distinctly claim some of the preferred embodiments of the invention. Applicant reserves the right to present the same or similar claims in a related Application.

Applicant has amended Claim 9, to particularly point out and distinctly claim "The process of Claim 1, wherein at least one of the user-specified external ratings services comprises an expert service for any of lodging rating information, travel rating information, restaurant rating information, and movie rating information."

Applicant has amended Claim 25, to particularly point out and distinctly claim "The process of Claim 17, wherein at least one of the solicited external ratings services comprise an expert service for any of lodging rating information, travel rating information, restaurant rating information, and movie rating information."

Applicant has amended Claim 38, to particularly point out and distinctly claim "The system of Claim 30, wherein at least one of the user-specified external

ratings services comprises an expert service for any of lodging rating information, travel rating information, restaurant rating information, and movie rating information."

Applicant has amended Claim 54, to particularly point out and distinctly claim "The system of Claim 46, wherein at least one of the user-specified external ratings services comprises an expert service for any of lodging rating information, travel rating information, restaurant rating information, and movie rating information."

Support for Claims 9, 25, 38, and 54, as amended, is seen in the Application as filed, at least on page 14, lines 13-23; on page 14, line 35 to page 15, line 18; on page 20, lines 6-17; on page 20, line 31 to page 21, line 13; and on page 21, line 30 to page 22, line 15.

Applicant submits that Claims 9, 25, 38, and 54, as amended, are certain and definite in scope, and are fully supported in the Application as filed. Applicant therefore submits that Claims 9, 25, 38, and 54, as amended, overcome the rejections under 35 U.S.C. 112, second paragraph.

35 U.S.C. § 103. Claim Rejections.

9. The Office Action states that "Claims 1-8, 10-11, 13-24, 26-37, 39-40, 42-53, 55-56, and 58-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ford et al. (Ford hereinafter)(U.S. Patent No. 6,963,867 B2, filed March 31, 2003) in view of EP 1 288 795 A1 (795 hereinafter) (British Telecommunications; publish March 3, 2003)."

Regarding Claims 1 and 30, the Office Action states that "Ford discloses a search enhancement system implemented across a network, comprising:

a search engine (Fig. 1, Col. 3, lines 16-19, Ford);

an application module (Col. 4, lines 1-10, "...the AMAZON.COM website...". Ford);

at least one service external to the application module and accessible to the application module across the network (Col. 4, lines 1-10, "...As well known in the art of Internet commerce, the AMAZON.COM web site includes functionality for allowing users to search, browse, and make purchases from on-line catalog of book titles, and other types of items via the Internet...", Ford), the external service comprising any [of a] secondary source and supplementary source comprising information (Fig. 2, items 220, 250, and 230, Col. 6, lines 53 – 62, Ford); also See for example: Fig. 2, item 260, Col. 7, lines 41-45: "If the user has selected the 'All Products' field 260...", Col. 9, lines 5-11, "...This section displays the search results generated from application of the query to the unaffiliated merchant...", Col. 10, lines 9-11, "...For example, selecting the top search result item takes the user to the unaffiliated merchant web site located at the URL: 'http://207.98.171.148:80/books/twain.html'.."; Ford)."

The Office Action concedes that "Ford does not expressly disclose that the service is a ratings service."

However, the Office Action states "On the other hand, 795 discloses a system and method for searching similar to Ford's including: an identification of at least one ratings service specified by the user, the at least one ratings service external to the application module and accessible to the application module across the network [0018] and [0037]-[0038], 795)."

The Office Action also states that "It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of 795 with respect to ratings services to the system of Ford. Skilled artisan would have been motivated to do so, as suggested by 785 ([0018], 795), in order to improve the relevance of search results to the person requesting them."

Applicant has filed a Declaration of Prior Invention Pursuant to 37 CFR 1.131, to overcome EP 795 (British Telecommunications; published March 3, 2003), in which the conception of the Claims 1, 17, 30 and 46, as presently presented,

occurred prior to the earliest effective priority date of EP '795, and was coupled with due diligence from prior to said reference date to the filing of the present application.

Applicant therefore submits that a rejection of Claims 1-8, 10-11, 13-24, 26-37, 39-40, 42-53, 55-56, and 58-61 under 35 U.S.C. 103(a) as being unpatentable over Ford in view of EP 795 is improper.

Claim 1, as previously presented, claims "a process implemented across a network, comprising the steps of:

receiving at an application module a search query from a user at a user terminal, the search query comprising at least one search parameter specified by the user;

receiving at the application module an identification of at least one ratings service specified by the user, the at least one ratings service external to the application module and accessible to the application module across the network;

responsive to the receipt of the user-specified external ratings services, sending a data query from the application module to at least one of the user-specified external ratings services;

receiving rating information at the application module across the network from at least one of the user-specified external ratings services in response to the sent data query, wherein the rating information is independently maintained by the at least one external ratings service;

providing a refined search through the application module, wherein the refinement comprises any of

using the received rating information from at least one of the user-specified external ratings services in conjunction with the search parameters received from the user to perform the search,

performing the search with the search parameters received from the user and subsequently refining search results with the received rating information from at least one of the user-specified external ratings services, and

performing the search with the search parameters received from the user and subsequently providing any of organizing and sorting of the search results with the received rating information from at least one of the user-specified external ratings services; and

returning the results of the refined search from the application module to any of the user at the user terminal and a recipient at a recipient terminal, the recipient other than the user."

Claim 17, as previously presented, claims "a process implemented across a network, comprising the steps of:

receiving at an application module a search query from a user at a user terminal, the search query comprising at least one search parameter specified by the user;

soliciting from the user at the user terminal any of an identification and a selection by the user of at least one ratings service external to the application module and accessible to the application module across the network;

responsive to the solicited identification or selection by the user, sending a data query from the application module to at least one of the solicited external ratings services;

receiving rating information at the application module across the network from at least one of the solicited external ratings services in response to the data query, wherein the rating information is independently maintained by the at least one external ratings service;

providing a refined search through the application module, wherein the refinement comprises any of

using the received rating information from at least one of the solicited external ratings services in conjunction with the search parameters received from the user to perform the search,

performing the search with the search parameters received from the user and subsequently refining search results with the received rating information from at least one of the solicited external ratings services, and

performing the search with the search parameters received from the user and subsequently providing any of organizing and sorting of the

search results with the received rating information from at least one of the solicited external ratings services; and

returning the results of the refined search from the application module to any of the user at the user terminal and a recipient at a recipient terminal, the recipient other than the user."

Claim 30, as previously presented, claims "a search enhancement system implemented across a network, comprising:

a search engine;

an application module;

at least one ratings service external to the application module and accessible to the application module across the network, the external ratings service comprising any of a secondary source and a supplementary source comprising rating information;

a receipt at the application module from a user at a user terminal of a specification by the user of at least one of the external ratings services;

a receipt at the application module of a search query entered by the user at the user terminal, the search query comprising at least one search parameter specified by the user;

a data query sent by the application module over the network, upon receipt of the specification by the user of the external ratings services, to the user-specified external ratings services;

a receipt of rating information at the application module from at least one of the user-specified external ratings services over the network in response to the sent data query, wherein the rating information is independently maintained by the at least one external ratings service;

a refined search provided by the application module, wherein the refinement comprises any of

using the received rating information from at least one of the user-specified external ratings services in conjunction with the search parameters received from the user to perform the search at the search engine;

performing the search at the search engine with the search parameters received from the user and subsequently refining search results with the received rating information from at least one of the user-specified external ratings services, and

performing the search at the search engine with the search parameters received from the user and subsequently providing any of organizing and sorting of the search results with the received rating information from at least one of the user-specified external ratings services; and

a return of the results of the refined search from the application module to any of the user at the user terminal and a recipient at a recipient terminal, the recipient other than the user."

Claim 46, as previously presented, claims "a system implemented across a network, comprising:

an application module;

a search query initiated by a user through a user terminal connected to the network, the search query comprising at least one search parameter specified by the user and received by a search system;

a receipt at the application module from the user through the user terminal of a specification of at least one ratings service external to the application module and accessible to the application module across the network, the external ratings services comprising ratings information;

a data query sent by the application module, responsive to the receipt of the user specification of the external ratings services, to the user-specified external ratings services;

a receipt of rating information at the application module from at least one of the user-specified external ratings services over the network in response to the sent data query, wherein the rating information is independently maintained by the at least one external ratings service;

a refined search provided by the application module, wherein the refinement comprises any of

using the received rating information from at least one of the user-specified external ratings services in conjunction with the search parameters received from the user to perform the search,

performing the search with the search parameters received from the user and subsequently refining search results with the received rating information from at least one of the user-specified external ratings services, and

performing the search with the search parameters received from the user and subsequently providing any of organizing and sorting of the search results with the received rating information from at least one of the user-specified external ratings services; and

a return of the results of the refined search from the application module to any of the user at the user terminal and a recipient at a recipient terminal, the recipient other than the user."

Support for Claims 1, 17, 30 and 46, as previously presented, is seen in the Application as filed, at least on page 12, lines 12-21; on page 12, line 25 to page 13, line 21; on page 13, line 38 to page 16, line 9; on page 16, line 15 to page 18, line 3; on page 18, line 12 to page 19, line 7; on page 19, line 35 to page 23, line 9; on page 20, line 6 to page 21, line 13; on page 23, lines 16-21; on page 26, lines 23-27; on page 27, lines 1-4 and 30-37; on page 36, lines 7-16; in Claims 1-4, 10-11, 13-14, 17-19, 26-27, 30-32, 39-40, 42, 46-48 and 55-56; and in Figures 1-11 and 15.

In regard to Ford alone, as discussed in the Prior Amendment of 02 May 2008 and as referred to in the Interview Summary of 19 June 2008, Ford describe a "search query processing to provide category-ranked presentation of search results", as seen at least in the Abstract, wherein:

"A search engine system displays the results of a multiple-category search according to levels of relevance of the categories to a user's search query. A query server receives a search query from a user and identifies, within

each of multiple item categories, a set of items that satisfy the query. The sets of items are used to generate, for each of the multiple categories, a score that reflects a level significance or relevance of the category to the search. The scores may be based, for example, on the number of hits within each category relative to the total number of items in that category, the popularity levels of items that satisfy the query, a personal profile of the user, or a combination thereof. The categories are then presented to the user, together with the most relevant items within each category, in the order of highest to lowest category relevance."

Ford also describe a network environment comprising user computers 110 having an Internet connection to a web site 130, as seen at least in Fig. 1 and in Col. 3, lines 16-19, wherein:

"FIG. 1 illustrates a system in which users access web site information via the Internet, and illustrates the basic web site components used to implement a search engine that operates in accordance with the present invention."

Applicant respectfully submits that the disclosed web site in Ford includes a number of searchable databases 141-147 (Fig. 1, col. 19-31) that are indicative of categories that are presented by and available through the web site 130, *e.g.* such as books 141, music 142, video 143, auctions 144, software 145, and electronics 146. For example, some products within category groups, *e.g.* books, videos, and videos, are described as marketed directly by the web site merchant (such as seen in col. 4, lines 28-31 of Ford), while auctions are described as hosted by the web site 130 (col. 4, lines 32-33 of Ford), and/or software and electronics are described as offered for sale on web sites affiliated with the host web site (Col. 4, lines 43-45 of Ford).

Ford also describe user control of a category submenu as defined and presented by the website, as seen at least in Figure 2, *e.g.* items 220, 250, and 230, and in Col. 6, lines 53-62, wherein:

> "Users can perform searches with the search engine interface 220 by typing in the desired information (referred to herein as a "query") into a query window 230 and then clicking on a search initiation button 240. The user may control the scope of the search with a pulldown window 250 containing multiple categories. The search may be limited to any one category through selection of that category from the pulldown menu 250. Alternatively, the user may conduct a broad-based search through selection of an "All Products" option 260."

Applicant notes that, while Ford describes user control of categories (*e.g.* books, music, video, auctions, all products, Fig. 2) within such a pulldown menu 250, Ford does not describe the identification of a ratings service that is external to the application module and accessible to the application module across the network, which is sent a query from an application module upon identification, specification, or selection by a user.

Ford also describe details regarding a Product Spider database, as seen at least in Fig. 1, and in col. 4, lines 53-59, wherein:

> "The Product Spider database 147 includes information about independent web sites, unaffiliated with the host web site 130, that have been identified as offering products for sale. This database is particularly useful in that it allows the host web-site 130 to help a consumer find product offerings for products that are not sold by the host web site 130 or by affiliated on-line merchants."

Applicant submits that, while a Product Spider database 147 as described by Ford includes information about independent web sites, unaffiliated with the host

web site 130, the described structure is significantly different than Claims 1, 17, 30, and 46, as previously presented.

Ford provide further details regarding a Product Spider database, as seen at least in col. 5, lines 28-35, wherein:

> "The Product Spider database 147 is generated through the use of a web crawler 160 that crawls web sites on the Internet 120 while storing copies of located web pages. The output of the web crawler 160 is input to a product score generator 162 that assigns a numerical score ("product score") to each web page based upon the likelihood that the page offers a product for sale for either online or offline purchase."

Ford describe additional details regarding the generation of a Product Spider database, as seen at least in Fig. 5, and in col. 10, line 50 to col. 11, line 38, wherein:

> "B. Method for Generating a Product Spider Database
>
> FIG. 5 illustrates the sequence of steps that are performed to construct and refresh the Product Spider database 147. In step 510, the web crawler 160 crawls a fraction X of the World Wide Web. Web crawling programs, which attempt to locate all web pages accessible on the World Wide Web by following hypertext links, are well known in the art. The size of the fraction X of the World Wide Web that is crawled in step 510 depends upon the frequency with which the Product Spider database is refreshed. The World Wide Web presently contains a sufficiently large number of web pages so as to require an extended period of time for complete crawling. As such, if the Product Spider database 147 is refreshed frequently, only a fraction X of the World Wide Web is crawled between database updates.

As shown in FIG. 5, the web pages found through step 510 are passed through a page analyzing step 520 in which the non-content based characters of the web page HTML code (e.g., the typesetting characters, the hypertext link indicators, etc.) are removed. The remaining characters correspond to the text-based content of the web page. This content is passed to the product score generator 162 which generates a numerical score between 0 and 100 indicative of the likelihood that the source web page offers a product for sale. Scores of 0 and 100 indicate the smallest and largest likelihood, respectively, that the page is offering a product for sale. Loosely speaking, the product score may be thought of as a degree of confidence written as a percentage of absolute certainty.

The analysis is conducted on a page by page basis, with each web page being assessed independently. In an alternative embodiment, a target page may be assessed by analyzing, in addition to the content of the target page itself, the contents of other web pages linked to the target page. The analysis may be limited to "neighboring" web pages (i.e., web pages directly accessible via a link on the target page), or it may extend to encompass more remotely accessible web pages (i.e., web pages that are only accessible via a series of links). In these embodiments, the contributions of other web pages to the assessment of the target page may be weighted such that the influence of a remote page decreases with the number of links between the page and the target page, and/or such that only web pages of the same web site are considered.

In yet another embodiment, a web site may be analyzed as a single entity. The web site assessment may occur by combining the results of a page by page assessment of the web pages within the site, or it may occur by analyzing the web site as a whole.

The page analyzing step 520 also looks for character strings judged to be inappropriate for users of the host web site 130. For example, web sites

identified as marketing salacious adult content are excluded from the Product Spider database 147."

Applicant therefore submits that a product Spider database 147, as described by Ford, is clearly generated through the use of a web crawler 160 that crawls web sites on the Internet 120. The is no disclosure or suggestion, express or implied, of a user identification or specification of a ratings service that is external to an application module, as claimed in Claims 1, 17, 30 and 46 as previously presented, and accessible to an application module across the network, which is sent a query from such an application module upon identification or specification by a user.

In stark contrast to Ford, as seen in Claims 1, 17, 30 and 46 as previously presented, the search query that is entered by the user, and the specification of external ratings services that are either specified (Claims 1,30,46), or identified or selected (Claim 17) by the user, are distinct, as shown:

A) The search query that is sent from the user comprises at least one of the search parameters: and

B) The data query that is sent by the application module is responsive to the receipt of specification (Claims 1,30,46), or identification or selection (Claim 17) by the user, of the external ratings services.

Ford also describes an application of a **search** query to the unaffiliated merchant database, as seen in Col. 9, lines 5-10, wherein:

"Immediately below the Additional Matches section 350, the results page displays the Related Products section 380. This section displays the search results generated from application of the query to the unaffiliated merchant database, that is, to the Product Spider database 147."

As discussed above, the application of the query in Ford corresponds to the application of the user search query, which is **not** a data query sent to an external ratings service upon user-specification, identification or selection of an external ratings service, to retrieve rating information that is used in combination with a search query, to refine the search.

As noted above, The Office Action concedes that "Ford does not expressly disclose that the service is a ratings service."

As well, Applicant notes that Ford describes a display of search results generated from application of the search query to the unaffiliated merchant database, as seen in Col. 9, lines 5-11:

> "Immediately below the Additional Matches section 350, the results page displays the Related Products section 380. This section displays the search results generated from application of the query to the unaffiliated merchant database, that is, to the Product Spider database 147. In the preferred embodiment, no top-level results are displayed for this category."

Applicant submits that the applied search query in Ford clearly corresponds to the user **search** query that is applied to the "unaffiliated merchant database", which is **not** equivalent to a data query that sent to an external ratings service upon user-specification, identification or selection of the external ratings service, to retrieve rating information, wherein the received rating information is then used to refine the user search query.

Ford also describes the ranking of items within categories, as seen in Col. 20, line 64 to col. 27, line 3, wherein:

> "2. Ranking Categories Based on Relevance

> Once the search tool 154 has generated search results from each of the categories, the categories themselves compete for priority for display purposes. These competitions between categories, like the ranking of items within each category, are based upon an assessment of the relevance of the search query to each competitor."

While Ford discloses an "assessment of the relevance" of a search query within each competitor category, *i.e.* to "compete for priority for display purposes", there is no disclosure in Ford of a user-specification, identification or selection of an external ratings service having rating information, of a data query sent to such an external ratings service, or of rating information that is received from such an external ratings service, which is then used to refine a search. In Ford, the categories themselves compete for priority, but this is **not** based on rating information received from an external ratings service that is identified, specified or selected by the user.

Applicant therefore submits that Claims 1, 17, 30 and 46, as previously presented, are patentable over Ford. Applicant respectfully submits that there are significant differences between the invention as disclosed in the Application as filed and the cited art of Ford, and that the Examiner's interpretation of the cited prior art is unreasonably broad.

Applicant submits that Ford does not disclose or suggest the specification, identification, or selection of a ratings service that is external to the application module and accessible to the application module across the network, which is sent a data query from an application module upon specification, identification, or selection by a user.

In stark contrast to Ford, Applicant discloses the refinement of a search based on rating information from an external ratings service, as seen in the Application as filed, at least on page 14, line 13-39, wherein:

"In some system embodiments 10, the results 14 of a search 24 are further refined 22a and/or organized 22b, based upon information 18 received from an external source 16. For example, in a user-initiated search 13 for lodging in Austin, Texas, a user specified source 16 may preferably comprise rating information 18 of lodgings, *e.g.* such as available through American Automobile Association, Inc. (AAA). The rating information 18, from the external source 16, *e.g.* AAA, is then used to refine 22a and/or organize 22b the results 14 of a general search 24 for any lodging that otherwise meets the search parameters 106,108, *e.g.* 108a,108b (FIG. 9, FIG. 10, FIG. 11) within a search query 13. Results from a conventional search engine 12 may therefore be refined 22a and/or reorganized 22b, based on data 18 independently maintained by a ratings service 16."

In alternate system embodiments 10, information 18 received from an external source 16 is integrated within a search query 13, such that the search 24 is enhanced by the information 18, whereby the results 14 of the search 24 may be inherently refined 22a and/or organized 22b as a function of the information 18 received from an external source 16. For example, information 18 received from a user-selected source 16 may be consulted when performing a search 24, such that a set of one or more search results 14 complies with a search query 13 comprising both search parameters 108,106 entered by a user USR, in addition to meeting parameters imposed by the information 18 received from the external source 16.

For example, in a similar user-initiated search 13 for lodging in Austin, Texas, a user specified source 16 which comprises rating information 18 of lodgings can alternately be included in the search 24, *i.e.* to refine or organize the search results 14, whereby the results of the general search 24 meet the user-specified search parameters 108,106, and also comply with rating information 18 provided by a selected ratings service 16."

As well, Applicant discloses details of data queries sent to external ratings services, as seen in the Application as filed, at least in Figures 3-8 (*e.g.* elements 33, 36, 38), and on page 16, lines 5-6, wherein:

> "The system 10 retrieves information 38 from an external source 16, such as though a an information query 36."

Applicant provides further details of sending a data query to at least one such external ratings service, and the retrieval of data from the queried ratings service, as seen at least on page 18, lines 12-14 and 17-21, wherein:

> "The application module 46 has access 72, *e.g.* 72a-72n, to one or more sources 16, *e.g.* 16a-16n, having associated data 18, *e.g.* 18a-18n. The sources 16a-16n are typically accessible across a network, *e.g.* such as but not limited to the Internet."
>
> "In other system applications, the associated data 18 is sent 72 to the application module 46 upon source identification 33 from a user USR, wherein information associated with a source 16 is typically queried 36 (FIG. 5) and retrieved 38 by the application module 46."

Applicant also discloses further details of sending queries to identified sources and the receipt of data that is sent from the identified external sources in response to such queries, as seen at least on page 19, lines 1-7, wherein:

> "Upon a receipt 33 of source identification from a user USR, the application module 46 typically sends a data query 36 to any identified sources 16, if the available data 18 from an identified source 16 is not yet available. Upon a data query 36, the data 18 is sent from an identified source 16, either to be included in a search query 13, or to be used in the processing 22 of search results 14. The application module 46 produces 22 the enhanced results 40, which are then sent 41a to the user terminal 32, and/or sent 41b to recipients RCP."

Therefore, in regard to Claim 1, as previously presented, Applicant submits that, while Ford describes a number of searchable databases 141-147 (Fig. 1, col. 19-31) that are indicative of categories that are presented by and available through the web site 130, and user control of categories (*e.g.* books, music, video, auctions, all products, Fig. 2) within a pulldown menu 250, there is no disclosure or suggestion, express or implied, in Ford, of a process which comprises the steps of, *inter alia*:

"receiving at the application module an identification of at least one ratings service specified by the user, the at least one ratings service external to the application module and accessible to the application module across the network";

"responsive to the receipt of the user-specified external ratings services, sending a data query from the application module to at least one of the user-specified external ratings services";

"receiving rating information at the application module across the network from at least one of the user-specified external ratings services in response to the sent data query, wherein the rating information is independently maintained by the at least one external ratings service";

"providing a refined search through the application module, wherein the refinement comprises any of

using the received rating information from at least one of the user-specified external ratings services in conjunction with the search parameters received from the user to perform the search,

performing the search with the search parameters received from the user and subsequently refining search results with the received rating information from at least one of the user-specified external ratings services, and

performing the search with the search parameters received from the user and subsequently providing any of organizing and sorting of the search results with the received rating information from at least one of the user-specified external ratings services"; and

"returning the results of the refined search from the application module to any of the user at the user terminal and a recipient at a recipient terminal, the recipient other than the user".

In regard to Claim 17, as previously presented, Applicant submits that, while Ford describes a number of searchable databases 141-147 (Fig. 1, col. 19-31) that are indicative of categories that are presented by and available through the web site 130, and user control of categories (*e.g.* books, music, video, auctions, all products, Fig. 2) within a pulldown menu 250, there is no disclosure or suggestion, express or implied, in Ford, of a process which comprises the steps of, *inter alia*:

"soliciting from the user at the user terminal any of an identification and a selection by the user of at least one ratings service external to the application module and accessible to the application module across the network";

"responsive to the solicited identification or selection by the user, sending a data query from the application module to at least one of the solicited external ratings services";

"receiving rating information at the application module across the network from at least one of the solicited external ratings services in response to the data query, wherein the rating information is independently maintained by the at least one external ratings service";

"providing a refined search through the application module, wherein the refinement comprises any of

using the received rating information from at least one of the solicited external ratings services in conjunction with the search parameters received from the user to perform the search,

performing the search with the search parameters received from the user and subsequently refining search results with the received rating information from at least one of the solicited external ratings services, and

performing the search with the search parameters received from the user and subsequently providing any of organizing and sorting of the

search results with the received rating information from at least one of the solicited external ratings services"; and

"returning the results of the refined search from the application module to any of the user at the user terminal and a recipient at a recipient terminal, the recipient other than the user".

In regard to Claim 30, as previously presented, Applicant submits that, while Ford describes a number of searchable databases 141-147 (Fig. 1, col. 19-31) that are indicative of categories that are presented by and available through the web site 130, and user control of categories (*e.g.* books, music, video, auctions, all products, Fig. 2) within a pulldown menu 250, there is no disclosure or suggestion, express or implied, in Ford, of a search enhancement system implemented across a network, comprising, *inter alia*:

"at least one ratings service external to the application module and accessible to the application module across the network, the external ratings service comprising any of a secondary source and a supplementary source comprising rating information";

"a receipt at the application module from a user at a user terminal of a specification by the user of at least one of the external ratings services";

"a receipt at the application module of a search query entered by the user at the user terminal, the search query comprising at least one search parameter specified by the user";

"a data query sent by the application module over the network, upon receipt of the specification by the user of the external ratings services, to the user-specified external ratings services";

"a receipt of rating information at the application module from at least one of the user-specified external ratings services over the network in response to the sent data query, wherein the rating information is independently maintained by the at least one external ratings service";

"a refined search provided by the application module, wherein the refinement comprises any of

using the received rating information from at least one of the user-specified external ratings services in conjunction with the search parameters received from the user to perform the search at the search engine;

performing the search at the search engine with the search parameters received from the user and subsequently refining search results with the received rating information from at least one of the user-specified external ratings services, and

performing the search at the search engine with the search parameters received from the user and subsequently providing any of organizing and sorting of the search results with the received rating information from at least one of the user-specified external ratings services"; and

"a return of the results of the refined search from the application module to any of the user at the user terminal and a recipient at a recipient terminal, the recipient other than the user".

In regard to Claim 46, as previously presented, Applicant submits that, while Ford describes a number of searchable databases 141-147 (Fig. 1, col. 19-31) that are indicative of categories that are presented by and available through the web site 130, and user control of categories (*e.g.* books, music, video, auctions, all products, Fig. 2) within a pulldown menu 250, there is no disclosure or suggestion, express or implied, in Ford, of a search enhancement system implemented across a network, comprising, *inter alia*:

"a receipt at the application module from the user through the user terminal of a specification of at least one ratings service external to the application module and accessible to the application module across the network, the external ratings services comprising ratings information";

"a data query sent by the application module, responsive to the receipt of the user specification of the external ratings services, to the user-specified external ratings services";

"a receipt of rating information at the application module from at least one of the user-specified external ratings services over the network in response to the sent data query, wherein the rating information is independently maintained by the at least one external ratings service";

"a refined search provided by the application module, wherein the refinement comprises any of

using the received rating information from at least one of the user-specified external ratings services in conjunction with the search parameters received from the user to perform the search,

performing the search with the search parameters received from the user and subsequently refining search results with the received rating information from at least one of the user-specified external ratings services, and

performing the search with the search parameters received from the user and subsequently providing any of organizing and sorting of the search results with the received rating information from at least one of the user-specified external ratings services"; and

"a return of the results of the refined search from the application module to any of the user at the user terminal and a recipient at a recipient terminal, the recipient other than the user".

As well, it would take significant modification and undue experimentation, for one of ordinary skill in the relevant art practicing Ford, to meet Claims 1, 17, 30, and 46, as previously presented.

As discussed above, Applicant submits that a rejection of Claims 1-8, 10-11, 13-24, 26-37, 39-40, 42-53, 55-56, and 58-61 under 35 U.S.C. 103(a) as being unpatentable over Ford in view of EP 795 is improper.

Furthermore, the *prima facie* obviousness case is incomplete because Ford fail to teach or suggest all the claim limitations (MPEP 2142, 2143.03). To support the conclusion that the claimed invention is directed to obvious subject matter,

either the references must expressly or impliedly suggest the claimed invention or the Examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references (Ex Parte Clapp, 227 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985), MPEP 706.02(j)). As well, the Examiner should "determine whether there was an apparent reason to combine the known elements in the fashion claimed by the patent at issue. To facilitate review, this analysis should be made explicit (*KSR Int'l Co., v. Teleflex, Inc.*, No 04-1350 (U.S. Apr. 30, 2007)).

Applicant therefore submits that independent Claim 1, 17, 30 and 46, as previously presented, overcome the rejection under 35 U.S.C. §103(a) as being unpatentable over Ford.

As Claims 2-11 and 13-16 depend from independent Claim 1 as previously presented, as Claims 18-29 depend from independent Claim 17 as previously presented, as Claims 31-40 and 42-45 depend from independent Claim 30 as previously presented, and as Claims 47-56 and 58-61 depend from independent Claim 46 as previously presented, and inherently contain all the limitations of the claims they depend from, Claims 2-11, 13-16, 18-29, 31-40, 42-45, 47-56 and 58-61 are seen to be patentable as well.

In specific regard to Claims 3 and 32, the Office Action states that "Ford/795 discloses a system, wherein at least one of the user-specified external ratings services comprises any of a person and an entity associated with the user (Col. 6, lines 28-31, Ford; and [0018] and [0037]-[0038], 795)."

In specific regard to Claim 19, the Office Action states that "Ford/795 discloses a process, wherein at least one of the solicited external ratings services comprises any of a person and an entity associated with the user (Col. 6 and 9, lines 28-31 and 5-10; respectively, Ford; and [0018] and [0037]-[0038], 795)."

In specific regard to Claim 48, the Office Action states that "Ford/795 discloses at least one of the user-specified external ratings services comprises any of a person and an entity associated with the user (Col. 6 and 9, lines 28-31 and 5-10; respectively, Ford; and [0018] and [0037]-[0038], 795)."

As noted above, Applicant has filed a Declaration of Prior Invention Pursuant to 37 CFR 1.131, to overcome EP 795 (British Telecommunications; published March 3, 2003), in which the conception of the Claims 1, 17, 30 and 46, as presently presented, occurred prior to the earliest effective priority date of EP '795, and was coupled with due diligence from prior to said reference date to the filing of the present application.

Applicant therefore submits that a rejection of Claims 1-8, 10-11, 13-24, 26-37, 39-40, 42-53, 55-56, and 58-61 under 35 U.S.C. 103(a) as being unpatentable over Ford in view of EP 795 is improper.

In regard to Ford alone, Applicant submits that Ford describes user ratings of located merchants, as seen on Col. 6, lines 27-31, wherein:

> "Furthermore, in embodiments in which the web site 130 provides users an option to rate the located merchants (e.g., on a scale of 1-5), and to view the ratings entered by other users, the Product Spider Database 147 may store the merchant ratings data."

Applicant respectfully submits that, while Ford describe that a web site may provide users an option to rate the located merchants, and to view the ratings entered by other users, wherein the Product Spider Database may store the merchant ratings data, there is no disclosure or suggestion, express or implied, that a data query is sent to an external ratings service for rating information, and/or that retrieved rating information from such a data query is used to refine a search.

Applicant therefore submits that Claims 3, 19, 32 and 48 are further patentably distinguishable over Ford, and clearly overcome the rejection under 35 U.S.C. 103(a).

10. The Office Action states that Claims 9, 25, 38, and 54 are rejected under 35 U.S.C. 103(a) as being unpatentbale over Ford et al. (Ford hereinafter) (US Patent No. 6,963,867 B2, filed: March 31, 2003), in view of EP 1 288 795 A1 (795 hereinafter) (British Telecommunications; publish 05/03/2003), and further in view of Rose et al. (Rose hereinafter) (US 7,069,228 B1).

In regard to Claim 9, 25, 38, and 54, The Office Action states that "Ford/795 discloses all the limitations as discussed above including at least one of the user-specified external ratings services, and wherein the data query sent from the application module to at least one of the external ratings services comprises a request for rating information which may supplement the search query (col. 6, lines 27-31, Ford; and [0018] and [0037]-[0038], 795)."

The Office Action concedes that "However, Ford/795 does not expressly disclose that the external ratings service comprises any of Zagats and AAA."

As noted above, Applicant has filed a Declaration of Prior Invention Pursuant to 37 CFR 1.131, to overcome EP 795 (British Telecommunications; published March 3, 2003), in which the conception of the Claims 1, 17, 30 and 46, as presently presented, occurred prior to the earliest effective priority date of EP '795, and was coupled with due diligence from prior to said reference date to the filing of the present application.

Applicant therefore submits that a rejection of Claims 9, 25, 38, and 54 under 35 U.S.C. 103(a) as being unpatentable over Ford in view of EP 795, and further in view of Rose, is improper.

As well, Applicant submits that the Examiner's interpretation of the cited prior art of Ford and Rose is unreasonably broad.

As discussed above, Applicant has amended Claim 9, to particularly point out and distinctly claim "The process of Claim 1, wherein at least one of the user-specified external ratings services comprises an expert service for any of lodging rating information, travel rating information, restaurant rating information, and movie rating information."

Applicant has also amended Claim 25, to particularly point out and distinctly claim "The process of Claim 17, wherein at least one of the solicited external ratings services comprise an expert service for any of lodging rating information, travel rating information, restaurant rating information, and movie rating information."

As well, Applicant has amended Claim 38, to particularly point out and distinctly claim "The system of Claim 30, wherein at least one of the user-specified external ratings services comprises an expert service for any of lodging rating information, travel rating information, restaurant rating information, and movie rating information."

Furthermore, Applicant has amended Claim 54, to particularly point out and distinctly claim "The system of Claim 46, wherein at least one of the user-specified external ratings services comprises an expert service for any of lodging rating information, travel rating information, restaurant rating information, and movie rating information."

Support for Claims 9, 25, 38, and 54, as amended, is seen in the Application as filed, at least on page 14, lines 13-23; on page 14, line 35 to page 15, line 18; on page 20, lines 6-17; on page 20, line 31 to page 21, line 13; and on page 21, line 30 to page 22, line 15.

Ford describes user ratings of located merchants, as seen on Col. 6, lines 27-31, wherein:

> "Furthermore, in embodiments in which the web site 130 provides users an option to rate the located merchants (e.g., on a scale of 1-5), and to view the ratings entered by other users, the Product Spider Database 147 may store the merchant ratings data."

Applicant submits that, while Ford describe that a web site may provide users an option to rate the located merchants, and to view the ratings entered by other users, wherein the Product Spider Database may store the merchant ratings data, there is no disclosure or suggestion, express or implied, that a data query is sent to an external ratings service for rating information, and/or that retrieved rating information from such a data query is used to refine a search.

As well, the Office Action concedes that "the combination of Ford in view of 795 does not expressly disclose that the external ratings service comprises any of Zagats and AAA."

However, the Office Action also stated that "Rose discloses external ratings service comprising any of Zagat's and AAA (Fig. 7, Col. 8, lines 40-53, Rose)."

Rose describes an apparatus and method for an Internet based computer reservation booking system, as seen at least in the Abstract, wherein a software product:

> "provides merchants that sell time-slot inventories tools to capitalize on the Internet revolution. The present invention enables the creation of web-sites for merchants with a built-in web-based reservation booking system. This offers customers the on-line benefits of access, selection and immediacy in making real-time reservation/appointments over the Internet. The software product also simplifies the merchant's booking process by providing a central web-based reservation/appointment management

system that can be used for all bookings, regardless if made by telephone, by a walk-in customer, or by a customer via the Internet. The software product also provides the merchant with a powerful direct marketing tool. As a merchant uses the software product, user-customer profiles and demographics are captured in the database module, thus creating (in Web jargon) a "community" of customers specific to the merchant. The merchant is thus empowered, using the mail module, to directly communicate with its customer base, using customer profiles and demographics to create a highly targeted and effective marketing and promotional ad campaign. The software product also allows the merchant to auction off time-slot inventory over the Internet. Lastly, the software product enables the creation of Web "super-communities" consisting of the aggregate of all the individual merchant's customer-communities using the software product."

Rose describes details of an exemplary search request, which includes links (148) to brief descriptions of listed restaurants, as published by a restaurant rating organization, as seen in Col. 8, lines 35-53, wherein:

"Referring to FIG. 7, the results for an exemplary search request using search window 112 or 130 is shown. In this example, the search results 140 were obtained by a user entering "California" into data entry field 118 and a "select all" choice for the "Select Cuisine" data entry field 120 using a pull-down menu 124. As is illustrated in FIG. 7, the search results provides a first column that includes hot links 142a 142n to the home page of each restaurant meeting the search criteria and affiliated with the restaurant super-community 72, the second column provides the street address of each restaurant, the third column provides the type of cuisine, the fourth column provides a link 148 to a brief description of the restaurant as published by a restaurant rating organization, such as Zagat's or AAA, the fifth column provides one or more dollar signs denoting the price range of the restaurant and the sixth column provides links 150 to an Internet "bulletin board" where the Internet user can review comments made by previous diners or enter their own comments regarding one of the restaurants."

Applicant notes that, while Rose describes rating information that may be presented to a user, and a link 148 to a brief description of the restaurant as published by a restaurant rating organization, such as Zagats or AAA, Rose does not describe or suggest a user identification, specification or selection of a ratings service that is external to the application module and accessible to the application module across the network, which is sent a data query from an application module upon such a identification, specification, or selection by a user, wherein rating information that is received from an external ratings service as a result from such a data query is used in combination with a search query, to refine a search.

Therefore, the *prima facie* obviousness case is incomplete because Ford and/or Rose fail to teach or suggest all the claim limitations (MPEP 2142, 2143.03). To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the Examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references (Ex Parte Clapp, 227 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985), MPEP 706.02(j)). As well, the Examiner should "determine whether there was an apparent reason to combine the known elements in the fashion claimed by the patent at issue. To facilitate review, this analysis should be made explicit (*KSR Int'l Co., v. Teleflex, Inc.*, No 04-1350 (U.S. Apr. 30, 2007)).

Applicant therefore submits that independent Claim 1, 17, 30 and 46, as previously presented, overcome the rejection under 35 U.S.C. §103(a) as being unpatentable over Ford, in view of Rose.

As Claim 9 depends from independent Claim 1 as previously presented, as amended Claim 25 depends from independent Claim 17 as previously presented, as Claim 38 depends from independent Claim 30 as previously presented, and as Claim 54 depends from independent Claim 46 as previously

presented, and inherently contain all the limitations of the claims they depend from, Claims 9, 38, 54 and 62 are seen to be patentable as well.

In specific regard to Claim 9 as amended, neither Ford nor Rose disclose a system such as claimed in Claim 1, as previously presented, "wherein at least one of the user-specified external ratings services comprises an expert service for any of lodging rating information, travel rating information, restaurant rating information, and movie rating information."

As well, in specific regard to Claim 25 as amended, neither Ford nor Rose disclose a system such as claimed in Claim 17, as previously presented, "wherein at least one of the solicited external ratings services comprise an expert service for any of lodging rating information, travel rating information, restaurant rating information, and movie rating information."

In addition, in specific regard to Claim 38 as amended, neither Ford nor Rose disclose a system such as claimed in Claim 30, as previously presented, "wherein at least one of the user-specified external ratings services comprises an expert service for any of lodging rating information, travel rating information, restaurant rating information, and movie rating information."

Furthermore, in specific regard to Claim 54 as amended, neither Ford nor Rose disclose a system such as claimed in Claim 46, as previously presented, "wherein at least one of the user-specified external ratings services comprises an expert service for any of lodging rating information, travel rating information, restaurant rating information, and movie rating information."

Applicant therefore submits that Claims 9, 25, 38 and 54 are further patentably distinguishable over Ford in view of Rose, and clearly overcome the rejection under 35 U.S.C. 103(a).

11. The Office Action states that "Applicant's arguments with respect to claims 9-11, 38-40, and 54-56, fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references."

Applicant disagrees. As discussed in the Amendment of 02 May 2008, while Abrams describes a system, method and apparatus for connecting users in an online computer system based on their relationships within social networks, there is no disclosure in Abrams of a system or process for providing a refined search, or of user selection, specification, or identification of external rating services from which rating information is received across a network that is used to refine a search.

As Claims 9-11 are depend from independent Claim 1 as previously presented, as Claims 38-40 depend from independent Claim 30 as previously presented, and as Claims 54-56 depend from independent Claim 46 as previously presented, and inherently contain all the limitations of the claims they depend from, Claims 9-11, 38-40, and 54-56 are seen to be patentable.

In specific regard to Claim 9 as amended, neither Ford nor Rose disclose a system such as claimed in Claim 1, as previously presented, "wherein at least one of the user-specified external ratings services comprises an expert service for any of lodging rating information, travel rating information, restaurant rating information, and movie rating information."

As well, in specific regard to Claim 25 as amended, neither Ford nor Rose disclose a system such as claimed in Claim 17, as previously presented, "wherein at least one of the solicited external ratings services comprise an expert service for any of lodging rating information, travel rating information, restaurant rating information, and movie rating information."

In addition, in specific regard to Claim 38 as amended, neither Ford nor Rose disclose a system such as claimed in Claim 30, as previously presented, "wherein at least one of the user-specified external ratings services comprises an expert service for any of lodging rating information, travel rating information, restaurant rating information, and movie rating information."

Furthermore, in specific regard to Claim 54 as amended, neither Ford nor Rose disclose a system such as claimed in Claim 46, as previously presented, "wherein at least one of the user-specified external ratings services comprises an expert service for any of lodging rating information, travel rating information, restaurant rating information, and movie rating information."

Applicant submits that it would take significant modification and undue experimentation, for one of ordinary skill in the relevant art practicing Ford and/or Rose, to meet Claims 9, 25, 38, and 54, as amended.

Applicant therefore submits that the *prima facie* obviousness case is incomplete because Ford and/or Rose fail to teach or suggest all the claim limitations (MPEP 2142, 2143.03). To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the Examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references (Ex Parte Clapp, 227 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985), MPEP 706.02(j)). As well, the Examiner should "determine whether there was an apparent reason to combine the known elements in the fashion claimed by the patent at issue. To facilitate review, this analysis should be made explicit (*KSR Int'l Co., v. Teleflex, Inc.*, No 04-1350 (U.S. Apr. 30, 2007)).

Applicant therefore submits that Claims 9, 25, 38, and 54, as amended, overcome the rejection under 35 U.S.C. §103(a) as being unpatentable over Ford in view of Rose.

In regard to Claims 10-11, 39-40, and 55-56, Applicant previously discussed the deficiencies of Abrams in the Amendment of 02 May 2008, wherein Abrams does not make up for the deficiencies of Ford. While Abrams describes a system, method and apparatus for connecting users in an online computer system based on their relationships within social networks, there is no disclosure in Abrams of a system or process for providing a refined search, or of user selection, specification, or identification of external rating services from which rating information is received across a network that is used to refine a search.

In specific regard to Claim 10, none of Ford, Rose, and/or Abrams, alone or combined, disclose a process such as claimed in Claim 1, as previously presented, wherein the results of the refined search are returned to the recipient other than the user, and wherein the recipient is any of a selected peer, a friend, a family relative, a student, a neighbor, any of a person or entity within a zip code region, and a member of a network of people associated with the user.

Furthermore, in specific regard to Claim 11, none of Ford, Rose, and/or Abrams, alone or combined, disclose a process such as claimed in Claim 1 and 10, as previously presented, "wherein the network of people comprises any of people with similar interests and a chain of friends."

In specific regard to Claim 39, none of Ford, Rose, and/or Abrams, alone or combined, disclose a system such as claimed in Claim 30, as previously presented, further comprising:

"a receipt of the results of the refined search by the recipient other than the user;

wherein the recipient is any of a selected peer, a friend, a family relative, a student, a neighbor, any of a person or entity within a zip code region, and a member of a network of people associated with the user."

Furthermore, in specific regard to Claim 40, none of Ford, Rose, and/or Abrams, alone or combined, disclose a system such as claimed in Claim 30 and 39, as previously presented, "wherein the network of people comprises any of people with similar interests and a chain of friends."

In regard to Claim 55, none of Ford, Rose, and/or Abrams, alone or combined, disclose a system such as claimed in Claim 46, as previously presented, further comprising:

"a receipt of the results of the refined search by the recipient other than the user;

wherein the recipient is any of a selected peer, a friend, a family relative, a student, a neighbor, any of a person or entity within a zip code region, and a member of a network of people associated with the user."

Furthermore, in specific regard to Claim 56, none of Ford, Rose, and/or Abrams, alone or combined, disclose a system such as claimed in Claim 46 and 55, as previously presented, "wherein the network of people comprises any of people with similar interests and a chain of friends."

Applicant therefore submits that, even in combination, Ford, Rose and/or Abrams fail to meet Claims 10-11, 39-40, and 55-56, as previously presented. As well, there is no suggestion, express or implied, that Ford, Rose, and/or Abrams be modified to meet Claims 10-11, 39-40, and 55-56, as previously presented. Furthermore, it would take significant modification and undue experimentation for Ford, Rose, and/or Abrams to meet Claims 10-11, 39-40, and 55-56, as previously presented.

Therefore, the *prima facie* obviousness case is incomplete because Ford, Rose, and/or Abrams fail to teach or suggest all the claim limitations (MPEP 2142, 2143.03). To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the Examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have

been obvious in light of the teachings of the references (Ex Parte Clapp, 227 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985), MPEP 706.02(j)). As well, the Examiner should "determine whether there was an apparent reason to combine the known elements in the fashion claimed by the patent at issue. To facilitate review, this analysis should be made explicit (*KSR Int'l Co., v. Teleflex, Inc.*, No 04-1350 (U.S. Apr. 30, 2007)).

Applicant therefore submits that Claims 9-11, 38-40, and 54-56 overcome the rejections under 35 U.S.C. §103(a), and that the Applicant has complied with 37 CFR 1.111(b), by specifically pointing out how the language of Claim 9-11, 38-40, and 54-56 patentably distinguishes them from the cited references.

CONCLUSION

For the foregoing reasons, the claims in the present application are directed to statutory subject matter and are patentably distinguished over the cited references. Applicant also submits that the amendments do not introduce new matter into the Application. Based on the foregoing, Applicant considers the invention to be in condition for allowance. Applicant earnestly solicits the Examiner's withdrawal of the rejections set forth in the prior Office Action, such that a Notice of Allowance is forwarded to Applicant, and the present application is therefore allowed to issue as a United States Patent.

Respectfully Submitted,

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